IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

TRISTA STEWART, Plaintiff, v. **PASCHALL TRUCK LINES, INC.** Registered Agent: Randall Waller 3443 Highway 641 South Murray, KY 42071 And **MICHAEL BURCHAM** 7527 Cinnamon Woods Drive West Chester, OH 45069 Defendants,	)	Cause No.

COMPLAINT

COMES NOW, Plaintiff, TRISTA STEWART, and for her cause of action against Defendants, PASCHALL TRUCK LINES, INC. and MICHAEL BURCHAM state to the Court as follows:

Preliminary Statement

This action seeks compensatory damages for acute injuries suffered by Plaintiff, TRISTA STEWART, on March 12, 2015, when she was operating her motor vehicle on Interstate 270 at or near its intersection with Big Bend, in St. Louis County, State of Missouri. The Plaintiff suffered severe physical and psychological injuries when the vehicle in which she was operating was struck by a vehicle owned by Defendant PASCHALL TRUCKLINES, INC. and being operated by Defendant MICHAEL BURCHAM when it crossed into her lane of travel.

Jurisdiction

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) because there is diversity of citizenship between Plaintiff and the Defendants and the amount in controversy exceeds $75,000.00.

Venue

2. Venue of this action properly lies in the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claim occurred within this district.

Parties

3. Plaintiff, TRISTA STEWART (hereinafter "**PLAINTIFF**") is a resident of St. Louis County, State of Missouri.

4. Defendant MICHAEL BURCHAM, (hereinafter "**DEFENDANT BURCHAM**") is a resident of Butler County, State of Ohio, who was transacting and conducting commercial activities within the State of Missouri on behalf of Defendant PASCHALL TRUCK LINES, INC. at the time of the crash described herein.

5. Defendant PASCHALL TRUCK LINES, INC., (hereinafter "**DEFENDANT PASCHALL**") is a foreign company, with a principal place of business in the State of Kentucky that conducts business in the State of Missouri among other states, which was, by and through its employee DEFENDANT BURCHAM, transacting and conducting commercial activities within the State of Missouri at the time of the crash described herein.

COUNT I – DEFENDANT PASCHALL TRUCK LINES, INC. - NEGLIGENCE

Comes now PLAINTIFF, and for her cause of action against Defendant PASCHALL TRUCK LINES, INC., states as follows:

6. Plaintiff adopts by reference each and every paragraph and sub-paragraph contained in paragraphs 1-5 above.

7. On or about March 12, 2015, Defendant PASCHALL's agent, servant and/or employee while acting within the scope of his employment was traveling westbound on Interstate 270, at or near its intersection with Big Bend in St. Louis County, State of Missouri, and caused and permitted his commercial vehicle to strike PLAINTIFF'S vehicle by causing his commercial vehicle to come into PLAINTIFF's lane of travel, resulting in injuries to PLAINTIFF which were the direct and proximate result of the carelessness and negligence of Defendant PASCHALL.

8. The two vehicles collided on Interstate 270 at or near its intersection with Big Bend as a direct result of the negligence of Defendant PASCHALL, acting through its agents, servants or employee, individually or in combination, in one or more of the following respects:

a) Its driver was inattentive to the roadway;

b) Is driver carelessly and negligently failed to keep his truck within his lane of travel;

c) Its driver carelessly and negligently drove his truck PLAINTIFF's lane of travel;

d) Its driver carelessly and neglectfully allowed his commercial vehicle to strike the vehicle PLAINTIFF was operating;

e) Its driver carelessly and negligently failed to sound a warning of his approach, to slacken speed, swerve or stop before colliding the vehicle PLAINTIFF was operating;

f) Its driver failed to control the commercial vehicle;

g) Its driver carelessly and negligently operated his commercial vehicle at an excessive rate of speed under the circumstances then and there existing;

h) Its driver carelessly and negligently failed to exercise ordinary care to keep a lookout to the front and laterally so as to discover the vehicle PLAINTIFF was operating;

i) It entrusted its driver to operate its commercial vehicle when it knew or should have known that he had an unsafe past while operating motor vehicles;

j) It failed to train its driver in the safe operation of commercial vehicles;

k) It retained Defendant BURCHAM as a driver when it knew or should have known of his unsafe past while operating motor vehicles;

l) It hired Defendant BURCHAM without performing an adequate investigation of his driving history;

9. Defendant PASCHALL acting through its agents, servants or employee, individually or in combination, owed a duty of care to members of the general public, including PLAINTIFF, while using the public roadways on or about March 12, 2015.

10. That as a direct and proximate result of the negligence and carelessness of Defendant PASCHALL, as aforesaid, PLAINTIFF's, neck, back and spine, were seriously bruised, contused, swollen, aggravated, ruptured, mashed, wrenched, narrowed, compressed, subluxed, abraded, dislocated, strained, sprained and rendered stiff, sore and painful; that PLAINTIFF suffered, suffers and will in the future continue to suffer great physical pain; that the function of all of the said area and parts of PLAINTIFF's body has been and will in the future be greatly impaired and diminished, and that all of the PLAINTIFF's injuries, effects and results thereof are permanent and progressive.

11. That as a direct and proximate result of the negligence and carelessness of Defendant PASCHALL, PLAINTIFF has to date incurred medical expenses in sums not yet determined which sums for medical expenses may increase and lost wages in sums not yet determined, and other damages in excess of $75,000.00, and is reasonably certain to sustain additional expense and loss in the future.

WHEREFORE, Plaintiff TRISTA STEWART prays for judgment against Defendant**,** PASCHALL TRUCK LINES, INC., for her costs incurred and for such other relief as the Court deems just and proper.

COUNT II – DEFENDANT MICHAEL BURCHAM – NEGLIGENCE

Comes now PLAINTIFF, and for her cause of action against Defendant MICHAEL BURCHAM, states as follows:

12. Plaintiff adopts by reference each and every paragraph and sub-paragraph contained in paragraphs 1-11 above.

13. On or about March 12, 2015, Defendant PASCHALL's agent, servant and/or employee Defendant BURCHAM while acting within the scope of his employment was traveling eastbound on Interstate 270, at or near its intersection with Big Bend in St. Louis County, State of Missouri, and caused and permitted his commercial vehicle to strike PLAINTIFF'S vehicle by causing his commercial vehicle to come in to PLAINTIFF's lane of travel, resulting in injuries to PLAINTIFF which were the direct and proximate result of the carelessness and negligence of Defendant PASCHALL's agent, servant and/or employee Defendant BURCHAM while acting within the scope of his employment.

14. The two vehicles collided on Interstate 270 at or near its intersection with Big Bend as a direct result of the negligence of Defendant BURCHAM, acting as agent, servant and/or employee within the scope of his employment with Defendant PASCHALL, individually or in combination, in one or more of the following respects:

a) Defendant BURCHAM was inattentive to the roadway;

b) Defendant BURCHAM carelessly and negligently failed to keep his truck within his lane of travel;

c) Defendant BURCHAM carelessly and negligently drove his truck into PLAINTIFF's lane of travel;

d) Defendant BURCHAM carelessly and neglectfully allowed his commercial vehicle to strike the side of the vehicle PLAINTIFF was operating;

e) Defendant BURCHAM carelessly and negligently failed to sound a warning of his approach, to slacken speed, swerve or stop before colliding with the vehicle PLAINTIFF was operating;

f) Defendant BURCHAM failed to control the commercial vehicle;

g) Defendant BURCHAM was carelessly and negligently operated his commercial vehicle at an excessive rate of speed under the circumstances then and there existing;

h) Defendant BURCHAM carelessly and negligently failed to exercise ordinary care to keep a lookout to the front and laterally so as to discover the vehicle PLAINTIFF was operating;

15. Defendant BURCHAM, acting as agent, servant and/or employee within the scope of his employment with Defendant PASCHALL, individually or in combination, owed a duty of care to members of the general public, including PLAINTIFF, while using the public roadways on or about March 12, 2015.

16. As a direct and proximate result of the negligence and carelessness of Defendant BURCHAM acting within the scope of his employment, as aforesaid, PLAINTIFF's back, neck, and spine, were seriously bruised, contused, swollen, aggravated, ruptured, mashed, wrenched, narrowed, compressed, subluxed, abraded, dislocated, strained, sprained and rendered stiff, sore and painful; that PLAINTIFF suffered, suffers and will in the future continue to suffer great physical pain; that the function of all of the said area and parts of PLAINTIFF's body has been and will in the future be greatly impaired and diminished, and that all of the PLAINTIFF's injuries, effects and results thereof are permanent and progressive.

17. That as a direct and proximate result of the negligence and carelessness of Defendant BURCHAM, PLAINTIFF has to date incurred medical expenses in sums not yet determined which sums for medical expenses may increase and lost wages in sums not yet determined, and other damages in excess of $75,000.00, and is reasonably certain to sustain additional expense and loss in the future.

WHEREFORE, Plaintiff, TRISTA STEWART prays for judgment against Defendant**,** MICHAEL BURCHAM, for her costs incurred and for such other relief as the Court deems just and proper.

Respectfully submitted,

By:___________________________________

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